

Minutes of the Regional Planning Commission  
Tuesday, January 13, 2009, 4:00 p.m.  
Long Grove Village Hall

2.1

The Regional Planning Commission met with the following in attendance:

**Members Present:**

Marvin Raymond – Chair  
~~Charles J. Lucas – Vice Chair~~  
~~Paul Geiselhart~~  
Craig Ellison  
Lawrence Falbe  
William Holleman  
~~Donald Klein~~  
~~Marie Lyons~~  
Jordan Madorsky  
Loraine Ray  
Bryan Rouse  
Terry L. Weppler  
~~Charles Williams~~

**Planning Staff:**

Terry Kuss  
Eric Waggoner  
Sheel Yajnik  
Pat Tierney  
Jon Tack

**Ex-Officios:**

Philip Rovang

**Others:**

Joanne Ellis  
Ty Warner – CMAP  
Scott PW

**Members Excused:**

**1.0 CALL TO ORDER**

Meeting called to order at 4:10 p.m.

**2.0 APPROVAL OF THE MINUTES**

**2.1 June 17, 2008 RPC Meeting Minutes**

Motion: to approve minutes of July 17, 2008 RPC Meeting as amended.  
Motion made by: Commissioner Weppler  
Seconded by: Commissioner Rouse  
Action: Motion passed unanimously

**2.2 July 15, 2008 RPC Meeting Minutes**

Motion: to approve minutes of July 15, 2008 RPC Meeting as amended.  
Motion made by: Commissioner Ellison  
Seconded by: Commissioner Weppler  
Action: Motion passed unanimously

**3.0 ADDED TO AGENDA ITEMS - None**

**4.0 PUBLIC COMMENTS - None**

**5.0 CHAIRMAN'S REMARKS**

Chairman Raymond inquired if there was any interest by RPC members to attend the 2009 APA

Minutes of the Regional Planning Commission  
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Conference to be held in Minneapolis, Minnesota. RPC members interested are to contact Terry Kuss.

**6.0 PLAN REVIEWS AND HEARINGS - None**

**7.0 OLD BUSINESS - None**

**8.0 NEW BUSINESS**

**8.1 Proposed Text Amendments Unified Development Ordinance**

Sheel Yajnik introduced the individuals who would be presenting the proposed UDO text amendments. The UDO requires the RPC provide a recommendation to the PB&Z Committee. There is a hearing scheduled for the 27<sup>th</sup> of January, 2009. Amendments to Article 8 will be presented by Jon Tack. The changes to Article 8 have already been approved by the County Board.

**8.1.1 Article 8 – Site Development Regulations**

Jon Tack from Environmental Engineering presented the Article 8 text amendments. He explained that there were amendments to the WDO and by state regulation; the UDO is to mirror the WDO changes.

Item #3 is in the UDO for erosion purposes. This is to address the problem of subsiding flood waters that affected the exposure of sea walls and ground being washed away as well. A public outcry for fill allowance due to erosion consideration was made.

Commissioner Rouse recommended the flow and arrangement of the issues under 8.5.7/Filling be changed.

After discussion with staff and commissioners, it was recommended to either change A. to read "Four types of filling" or to have fill type #3 read as "Topdressing" and then have an A & B following, which would identify the two regulations. Jon Tack explained that the WDO is already adopted and the language had been reviewed through several stages and to make this change would create a time frame issue. He explained that clean up on the article will be done at a future time. It was concluded that the A. should read "Four types of filling"

Motion: to accept text amendments to Article 8 with the recommendation that under "A", it read "Four types of filling".  
Motion made by: Commissioner Ray  
Seconded by: Commissioner Ellison  
Action: motion passed

**8.1.2 Article 10 – Subdivisions**

Pat Tierney explained the process, Monday 12<sup>th</sup> the PB&Z committee reviewed the proposed changes and endorsed setting up a public hearing on January 27, 2009. The notice will be distributed and will also be on line on January 14, 2007. Following the PB&Z action after complete review it will be passed on to the County Board for final vote. This does not have to go through the ZBA. Pat Tierney presented the proposed text amendments for Article 10. Pat Tierney with the division of Development Services explained that in working with the consultants, staff has tried to stream line the process and make the document more user friendly.

Minutes of the Regional Planning Commission  
Tuesday, January 13, 2009, 4:00 p.m.  
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Mr. Tierney presented a brief description of the changes.

- Several sections of the text were rearranged and reorganized so the text is consistent with the subdivision planning process; they are currently scattered.
- Several areas of the Ordinance contain regulations that are difficult to locate and should more appropriately be in other areas.
- Certain areas in the procedure section were redundant; those sections were either combined or reworded to make them easier to understand.
- Tables have been created for Subdivision Procedures, Applications and Document Standards, and for Final Engineering submission requirements to assist the applicant/consultant in locating pertinent standards depending on what the subdivision stage.
- Additional cross references were added to assist in locating related standards.
- Document standards have been revised so they conform to current industry standards and have been placed in their own section to assist the consultant in preparing documents. It is planned that this section will then be put into checklists that will be used in check-ins for documents to improve application submissions.
- Throughout the document greater flexibility has been given to administrative staff to make decisions on slight modifications of the Ordinance. These include: street standards, time extensions and bonding. Major Modifications, Public Information meetings, and Major and Minor Subdivision approvals would remain vested in the PB&Z Committee.

There was a general editing that took place to reduce verbiage, and provide more cross references and to reduce redundancies.

Sections added are:

- Application and Documents Standards
- Alternate Street Standards
- Assurance Documents
- Modification/Variance Standards
- Procedures
- Vacations
- Appendix Additions

Commissioner Madorsky asked if there was documentation identifying the changes that were allowed to be made to a preliminary plat. Pat Tierney responded that once a letter is received by the project manager then a paper trail is established.

Pat Tierney stated if you have preliminary plat approval, you have 2 years to get it approved. Staff Review Committee can make a call based on the status of the regulations in place at that time. Commissioner Falbes inquired how you would know if there has been a change when conditions change within the 2 years. Pat Tierney explained that it depends on where they are in the process. For example – if there is a washout. It will be caught at some later part of the process. Inspections are ongoing. Once the plans are approved and things change, adjustments need to be made.

Minutes of the Regional Planning Commission  
Tuesday, January 13, 2009, 4:00 p.m.  
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Commissioner Ray asked if roads were not up to standard, what would be the next step. Pat Tierney said they must have a plat of dedication. If unable to do that, they would have to request a variance.

Philip Rovang stated that the amendments have been reviewed by the States Attorney's Office and recommendations will be incorporated into the proposed draft text.

Commissioner Holleman commented that he did not see the specific text amendments. He sees generalities and philosophies that are confusing.

Pat Tierney explained that the text that was being presented to the RPC is a comprehensive amendment to the article.

Sheel Yajnik stated that the changes are not in concept but more in a tabular form.

Commissioner Madorsky stated that the RPC is a formality in the process. The structure requires the RPC to present a recommendation.

Chairman Raymond stated that he sees this as an act of substitution and the RPC is going to recommend the substitution of article 10.

Pat Tierney stated that they have made the document a better tool for the developers and consultants. There are no changes, it just flows better and it makes it easier for people to use and understand.

Sheel Yajnik stated the Staff Review Committee consists of members from various county agencies such as: Environmental Engineering, LCDOT, Public Works, SMC and Environmental Health. It is a collaborated review.

Commissioner Weppler stated that originally when the RPC reviewed the UDO, the RPC went through each section word by word and we are not doing that this time.

Pat Tierney welcomed the RPC members to attend the meeting with the PB&Z Committee will be 1/27/09 8:30 a.m.

With respect to vacations there is also a partial plat vacation per Commissioner Rouse. Pat Tierney stated that the partial plat vacation is addressed through the Staff Review Committee and is for non-conforming lots.

Commissioner Rouse referenced the engineering submission requirements table 10.9.5., the abbreviation of "WA" *when applicable*. He wanted to know if the document identified what "when applicable" means. It was discussed and staff agreed to expand the footnote to state "*when applicable as established during pre-application stage*".

Commissioner Ray stated that it is in described in the subsections. Maybe subsections can be referenced. Pat Tierney will work on this.

Sheel Yajnik suggested footnotes 1, 2 & 3. Footnote 1 state if the property contains wetland as determined by the section. This would provide more guidance.

Commissioner Ray suggested that it be kept simple and refer to subsections.

Minutes of the Regional Planning Commission  
Tuesday, January 13, 2009, 4:00 p.m.  
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Motion: to accept this as a comprehensive amendment and revision of article 10 of the UDO including the changes articulated: Foot notes to be added to table 10.9.05 regarding "*when applicable*", 2 different vacations separated and changes proposed from the States Attorney's Office.

Motion made by: Commissioner Ray

Seconded by: Commissioner Madorsky

Action: Motion passed with a vote of 7 to 1. (Commissioners Raymond, Ellison, Falbe, Madorsky, Ray, Rouse and Weppler voted aye and Commissioner Holleman voted nay)

Commissioner Falbe stated that we have to have a certain amount of faith in staff. Commissioner Weppler stated that he represents clients in zoning cases. He went back and read the regular and read this, it makes it easier to understand to explain to a client. He is comfortable with this. It's not our job to say whatever staff wants but we have been given the opportunity to review this. Commissioner Ray read through some of the areas and it is much more readable. We have to depend on staff for the technical support. If there are changes to the technical aspect she is confident staff would inform us of this.

### **8.1.3 Article 11 – School and Park Contributions**

Eric Waggoner presented highlights of the amendments to article 11.

Residential development has an impact on a school district. State law has made some provisions for accommodating this kind of situation. The State authorizes land donation or fees in lieu of land donation in order to address additional lands necessary to accommodate school facilities.

The text in article 11 is currently written in a difficult way and contains detailed procedures and if one follows them carefully you *may* be able to follow it out. But it is easy to get lost in the text. Because of this, we felt it deserved some consideration for rewriting. The States Attorney Office and a private law firm were consulted regarding the proposed amendments. We also met with a representative group of school system administration.

Text has been reorganized into a sequential order and the document has been compressed. Redundant text has been eliminated. It is a less complicated narrative. Clarification of provisions of objections has been made. A senior housing development contribution calculation of 25% has also been introduced.

Commissioner Weppler asked where the contribution calculation of 25% came from. Eric Waggoner stated that an exhaustive search of different trends in the Lake County area and nationally. The extent to which there is available data. There is not a lot of data available and we feel 25% is a reasonable contribution calculation.

Commissioner Holleman asked if the assumption was that there are no children in these types of development. Eric Waggoner said; "that is the general assumption but it's not for sure". There are restrictive covenants in senior developments. It is possible there are some. It's a hedge against the possibility. Eric Waggoner said that for it to be calculated in our ordinance it has to be a set number. Commissioner Ray suggested the number read "a minimum of 25%" based on the covenants.

Commissioner Falbe commented that impact fees are to be a temporary measure until property taxes can catch up.

Minutes of the Regional Planning Commission  
Tuesday, January 13, 2009, 4:00 p.m.  
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Commissioner Ray said that she disagrees with the 25% because impact fees already do not cover the cost of a child in school.

Developers want to do this because they want to be welcomed in an area and part of that is making a fair contribution per Commissioner Ray. This process should be honored. She wants to encourage the process for a developer to dialogue with the school and for the developer to dialogue with the governing body.

Sheel Yajnik said that it's the Regional Superintendant of Schools who determines if there's a need. The school district is happy with 25%.

The other route is the private agreement route. Philip Rovang suggested a commentary to encourage a private agreement. Eric Waggoner said that would be reasonable.

Motion: to approve the proposed amendments to Article 11 with RPC's recommendation of commentary encouraging a private agreement between School District, the other taxing district and the developers.  
Motion made by: Commissioner Madorsky  
Seconded by: Commissioner Ellison  
Action: Motion passed

**9.0 OTHER BUSINESS**

- 9.1 Chairman's Report**
- 9.2 Commissioners' Comments**
- 9.3 Director's Report**
- 9.4 Ex-Officio Reports**

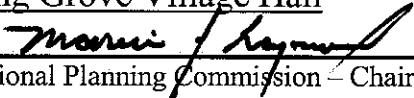
**10.0 ADJOURNMENT done at 5:35**

Motion: to adjourn the January 13, 2009 RPC Meeting at 5:35  
Motion made by: Commissioner Madorsky  
Seconded by: Commissioner Ellison  
Action: Motion passed

Minutes of the Regional Planning Commission

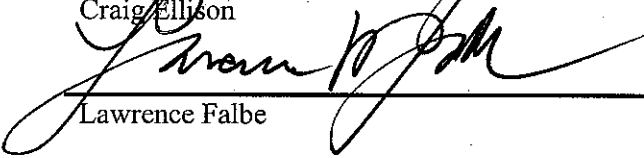
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Jordan Madorsky

Loraine A. Ray

Bryan K. Rouse

  
Terry L. Weppeler

Charles Willms

Recording Secretary – Terry Kuss